

ORIGINAL

FILE

RECEIVED

SEP 4 1987

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC

Office of the Secretary

In the Matter of

Advanced Television Systems
and Their Impact on the Existing
Broadcast Service

MM Docket No. 87-268 ✓

STATEMENT OF MST AND NAB

On August 20, 1987 the Commission released the text of a Notice of Inquiry into Advanced Television Systems (ATV) initiated in response to a joint petition by the Association of Maximum Service Telecasters, Inc., the National Association of Broadcasters and 56 other broadcast organizations and companies. Petition for Notice of Inquiry (filed February 13, 1987) (hereinafter "Joint Petition"). One of the important issues to be addressed in this Inquiry is the advantages and disadvantages of various alternatives for providing additional spectrum capacity for ATV systems. Notice of Inquiry ¶ 46-58. NAB and MST are concerned that the text of the Notice of Inquiry is misleading regarding the position of the Joint Petition on this issue and submits this statement for clarification.

As the Commission notes in the Notice of Inquiry it may be possible to implement an ATV service within the existing VHF and UHF spectrum using the existing channel assignments and certain augmentation channels. Id. at ¶ 49.

of copies = 0 + 5

The Joint Petition specifically urged investigation of this option, see Joint Petition at 27-28, and MST subsequently filed a preliminary and partial spectrum study suggesting how advanced systems might be implemented without requiring existing stations to shift channels. Preliminary and Partial Study of the Use of the UHF Band to Accommodate Local High Definition Television (filed March 10, 1987).

The Notice of Inquiry, however, identifies the Joint Petition with the far more drastic option of "repacking" the existing allocations. It states "as suggested in the MST petition, additional spectrum capacity might be obtained through partial or total 'repacking' of the VHF and UHF band." Id. at ¶ 49. Although the Joint Petition listed repacking as an option that the Commission might want to consider, it noted that repacking was among the options which the joint petitioners "emphatically do not endorse Indeed, all or most of the undersigned might well oppose these options." Joint Petition at 28.

As noted in the Joint Petition, repacking "is a radical measure which clearly would entail enormous disruption and expenditures." Id. We wish to clarify this point now, well in advance of the comment deadline, so that our fellow broadcasters and others do not misunderstand our position on repacking and spend unnecessary resources addressing the issue. We also wish the Commission, its Advisory Committee and other groups who will be working on

ATV issues -- and whose efforts and interest we greatly appreciate -- to understand that broadcasters have grave reservations about repacking even as a last resort.

Respectfully submitted,

THE ASSOCIATION OF MAXIMUM
SERVICE TELECASTERS

By: Michael Tankersley
Jonathan D. Blake
Michael E. Tankersley

Covington & Burling
1201 Pennsylvania Ave., N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-6000

Its Attorneys

NATIONAL ASSOCIATION OF
BROADCASTERS

By: Henry L. Bauman
Henry L. Bauman
Senior Vice President
and General Counsel
Valerie Schulte

National Association of
Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

September 4, 1987

CERTIFICATE OF SERVICE

I, Michael Tankersley, do hereby certify that I have on this 4th day of September, 1987, caused copies of the foregoing Statement of MST and NAB to be mailed, by first-class mail, postage prepaid to:

Mr. Robert E. Tall
Executive Director
Associated Public-Safety
Communications
Officers, Inc.
930 Third Avenue
Post Office Box 669
New Smyrna Beach,
Florida 32070

Ben C. Fisher, Esquire
Fisher, Wayland, Cooper
and Leader
1255 - 23rd Street, N.W.
Suite 800
Washington, D.C. 20037-1125

Charles M. Meehan, Esquire
Keller & Heckman
1150 - 17th Street, N.W.
Suite 1000
Washington, D.C. 20036

Christopher D. Imlay, Esquire
Booth, Freret & Imlay
1920 N Street, N.W.
Suite 520
Washington, D.C. 20036

Alan S. Tilles, Esquire
Meyer, Faller, Weisman
& Greenburg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015

Mr. Herb L. Massie
President, Land Mobile
Communications Council
80 East Jackson Boulevard
Chicago, Illinois 60604

Leonard S. Kolsky, Esquire
Vice President & Director
Regulatory Affairs
Mr. Donald L. Walker
Director of Technical
Progress
Government Relations
Motorola, Inc.
1776 K Street, N.W.
Washington, D.C. 20006

Mr. Carl Insel
Chairman
Land Mobile Radio Section
Electronic Industries
Association
2001 Eye Street, N.W.
Washington, D.C. 20006

Hollis G. Duensing, Esquire
General Solicitor
American Association of
Railroads
1920 L Street, N.W.
Washington, D.C. 20554

Richard E. Wiley, Esquire
John L. Bartlett, Esquire
Robert J. Bulter, Esquire
Carl R. Frank, Esquire
Wiley, Johnson & Rein
1776 K Street, N.W.
Washington, D.C. 20006

Ronald D. Coleman, Esquire
Finley, Kumble, Wagner,
Heine, Underberg, Manley
& Casey
1120 Connecticut Ave., N.W.
Washington, D.C. 20036

Henry A. Solomon, Esquire
Haley, Bader & Potts
2000 M Street, N.W.
Washington, D.C. 20036

Judson A. Gould, Esquire
Shea & Gould
1627 K Street, N.W.
Suite 1000
Washington, D.C. 20006

Henry Goldberg, Esquire
Goldberg & Spector
1920 N Street, N.W.
Washington, D.C. 20036

Elizabeth R. Sachs, Esquire
Lukas, McGowan, Mace &
Gutierrez
1819 H Street, N.W.
7th Floor
Washington, D.C. 20006

John S. Hannon, Esquire
Keith Fagan, Esquire
Alan B. Sternstein, Esquire
Satellite Television Corp.
955 L'Enfant Plaza, North, S.W.
Washington, D.C. 20024

Carl J. Cangelosi, Esquire
Vice President & General
Counsel
RCA American Communications,
Inc.
400 College Road East
Princeton, New Jersey 08540

Robert F. Corazzini, Esquire
Peter H. Feinberg, Esquire
Pepper & Corazzini
1776 K Street, N.W.
Suite 700
Washington, D.C. 20006

Thomas J. McCabe, Esquire
Mahn, Franklin &
Goldberg, P.C.
1718 Connecticut Ave., N.W.
5th Floor
Washington, D.C. 20009

Marvin Rosenberg, Esquire
James G. Ennis, Esquire
Fletcher, Heald & Hildreth
1225 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036

Wayne V. Black, Esquire
Russel H. Fox, Esquire
Nina M. Binstein, Esquire
Keller & Heckman
1150 - 17th Street, N.W.
Suite 1000
Washington, D.C. 20036

Mr. Bernard H. Flood
Senior Deputy Director
County of Los Angeles
Facilities Management
Department
Los Angeles, CA 90012

Theodore D. Frank, Esquire
Mania K. Baghdadi, Esquire
Arent, Fox, Kintner, Plotkin
& Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5539

Ms. Linda A. Townsend
Mr. Richard M. Fireston
National Telecommunications
and Information
Administration
U.S. Department of Commerce
14th Street and Constitution
Avenue, N.W.
Washington, D.C. 20230

Alfred C. Cordon, Esquire
Marie Riordan Kaplan, Esquire
Cordon & Kelly
1920 N Street, N.W.
2nd Floor
Washington, D.C. 20036

Mr. E.M. Tingley
Staff Vice President for
Engineering
Consumer Electronics Group
Electronic Industries
Association
2001 Eye Street, N.W.
Washington, D.C. 20006

Peter Tannenwald, Esquire
Arent, Fox, Kintner, Plotkin
& Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5539

Michael Tankersley
Michael Tankersley